

### **REMARKS**

The Office Action mailed September 1, 2011 and the references cited therein have been carefully considered. Claims 1-5, 7-9 and 12-32 are currently pending. By the amendments presented herein, Applicants have amended the title of the invention and claims 1-3, 7-9, 12, 15, 16, 26, and 32. Also, claims 6, 10 and 11 are hereby cancelled. The amendment to the title reverts back to the original title as included from the English-language translation of the subject PCT application. The amendments to claims 2, 3, 8, 9 and 12 are intended to convert those claims to independent form. Additionally, those claims include a clarification regarding the transfer film being detachable from the carrier film.

More specifically, claim 1 has been amended to define the optically variable layer being visible through the areal interruption from the transparent release layer side of the transfer layer, support for which is found in the original specification at page 11, lines 7-9. Also, as claim 8 was previously dependent on claim 6, which depended from claim 1, the aspects of claims 1 and 6 were incorporated into claim 8 when converting it to independent form and thereby claim 6 is canceled. Additionally, claim 9 has been amended to incorporate the alternative elements of claims 10 and 11, thus in effect converting those claims to independent form as well. Claim 26 has been amended to clarify the relationship between the transfer layer and the substrate. Additionally, claim 26 has been amended to define the optically variable layer being visible through the areal interruptions, similar to the amendment noted above for claim 1. Additionally, the clarifying amendment to claim 32 now further defines the optically variable layer including

asymmetric macrostructure that reflects incident light directed in one or more directions from specular reflection. Support for this amendment to claim 32 can be found in the original specification at page 6, lines 20-22. Accordingly, no new matter is introduced by the amendments herein. Applicant further addresses the issues raised in the subject Office Action below.

### **Interview Summary**

Applicants would like to thank Examiner Terressa M. Boykin for the courtesies extended counsel during the in-person interview conducted on October 27, 2011. During that interview, the undersigned presented proposed claim amendments which conform to the amendments presented herein. During the interview, the undersigned discussed the proposed amendments in view of the cited prior art and an agreement was reached that the amendments do overcome all the cited prior art rejections, as well as the objections to the claims for informalities. Examiner Boykin did reserve the right to update the prior art search after Applicants' formal response is filed.

### **Claim Objections**

Claims 2, 3, 9-12, 16-25, 27-28 and 31 are objected to for being dependent upon rejected base claims. In this regard, claims 2, 3, 9-12, 16 and 17 have been amended or intervening claim has been amended to no longer rely on a claim rejected based on prior art. Accordingly, Applicants respectfully request this objection be withdrawn.

**Claim Rejections under 35 USC § 112, second paragraph**

Claims 13-15 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. It should be noted to the extent that claim 3 was not formally included as part of this rejection, it was noted in the rejection explanation. Applicants have accordingly removed the “preferably” language from claim 3. Also, although claim 14 was referred to as using the term “substantially”, it is Applicants’ understanding that this language was only used in claim 15 and has been deleted by the amendments herein. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of the claims under 35 U.S.C. §112 second paragraph.

**Claim Rejections under 35 USC §103**

Claims 1, 4-8, 26, 29, 30 and 32 are rejected under 35 U.S.C. §103(a) as being obvious over any one of U.S. Patent No. 4,906,315 to **McGrew**, U.S. Patent No. 4,758,296 to **McGrew** or U.S. Patent No. 6,059,914 to **Süss**. Applicants traverse this rejection as noted below with regard to each of the cited patents.

Independent claims 1 and 26 have been amended to define “the optically variable layer being visible through the areal interruption from the transparent release layer side of the transfer layer”. Also, as claims 4, 5, 18-25 depend from claim 1 and claims 27-31 depend from claim 26, they similarly include this aspect. Both McGrew patents do not disclose or reasonably suggest this aspect of the claims. What is more, the McGrew patents do not reasonably disclose an opaque decorative layer or a transparent protection layer, let alone the successive order now

defined by the claims. Similarly, Süß does not disclose the “areal interruption” aspect noted above, only gaps or breaks in the film after being applied. Any gaps in the decorative layer of Süß would be coincident with gaps in all the other layers, so no optically variable layer could be visible through those gaps. Also, Süß does not disclose or reasonable suggest the reflection layer or the successive order now defined by the claims.

Independent claim 8 and claim 7, which now depends from claim 8, similarly define an opaque decorative layer, a transparent protection layer, a reflection layers, as well as the successive order of layers not disclosed or reasonably suggested by Süß or the McGrew patents.

Independent claim 32 now defines the optically variable layer including “an asymmetrical macrostructure that reflects incident light directed in one or more directions from specular reflection” which is not disclosed nor reasonably suggested by the Süß or McGrew patents. Also, claim 32 similarly defines an opaque decorative layer, a transparent protection layer, a reflection layers, not disclosed or reasonably suggested by Süß or the McGrew patents

Therefore, any one of Süß or McGrew patents alone or in combination fail to disclose or reasonably teach or suggest each and all of the elements of the claimed invention, particularly as defined by the independent claims. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. §103(a) is requested.

### **Conclusion**

Entry of the amendments herein and favorable consideration of the claims, particularly claims 1-5, 7-9 and 12-32 is hereby solicited.

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In view of the foregoing remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner has any questions or suggestions to expedite allowance of this application, she is cordially invited to contact Applicants' attorney at the telephone number provided.

Respectfully submitted,

/tony a. gayoso/

Tony A. Gayoso

Registration No.: 37,331

Attorney for Applicants

HOFFMANN & BARON, LLP  
6900 Jericho Turnpike  
Syosset, New York 11791  
(516) 822-3550  
TAG:lg  
364649\_1.DOC